

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Jordan B. Greenfield and
Sheila L. Greenfield

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:05 p.m. on February 5, 1970, on the petition of Jordan B. Greenfield and Sheila L. Greenfield, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of a dormer window on the side of their dwelling at 5 Emerson Road, with a side yard less than the required twenty feet. Said petition was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On January 15, 1970, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney for the petitioners, spoke in support of the request at the hearing.

A letter opposing the request was received from J. Wayne and Sara L. Kulig, 210 Walnut Street. In their opinion the construction of the dormer window with a window on the northerly side will be a direct invasion of privacy in every room of their house which faces the proposed window construction.

Statement of Facts

The house involved was built in 1931, prior to the enactment of Section XIX of the Zoning By-law and is located within a Single-residence District requiring a minimum lot area of 15,000 square feet.

The petitioners seek permission to construct a shed dormer window across the rear of their dwelling to provide an additional bedroom. The window is to be constructed above the attached garage on the northerly side of the house and will not be as high as the existing house. The garage is ten feet from the lot side line and the proposed window will be back two feet from the end of the garage. It was stated that the petitioners now have three sleeping rooms and need an additional bedroom for their growing family. Through a misunderstanding with the contractor, work was started on the window without a building permit, but they stopped immediately when notified to do so by the Building Inspector.

It is the opinion of the petitioners that the proposed dormer window will not prove harmful to surrounding properties. It cannot be seen from the street and although it will have a window on the northerly side, there are three other windows on that side of the house.

A plot plan was submitted, drawn by Gleason Engineering Company,

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dated January 7, 1970, which showed the existing house on the lot.

Decision

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of the Zoning By-law. The house was built prior to the enactment of the side yard requirement of twenty feet and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, it is relatively narrow and the house is so situated on the lot, that a dormer could not be constructed on the rear without encroaching in the side yard. The Board feels that as there will be no increase in the encroachment in the side yard that the proposed dormer window will not prove detrimental to the public good nor derogate from the intent and purpose of the by-law. It is the further opinion of the Board that the small window to be installed on the northerly side wall will not prove detrimental to surrounding properties. It is needed for ventilation and should not prove harmful as designed.

It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed construction of the shed dormer to continue as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.


Richard O. Aldrich


Dana T. Lowell

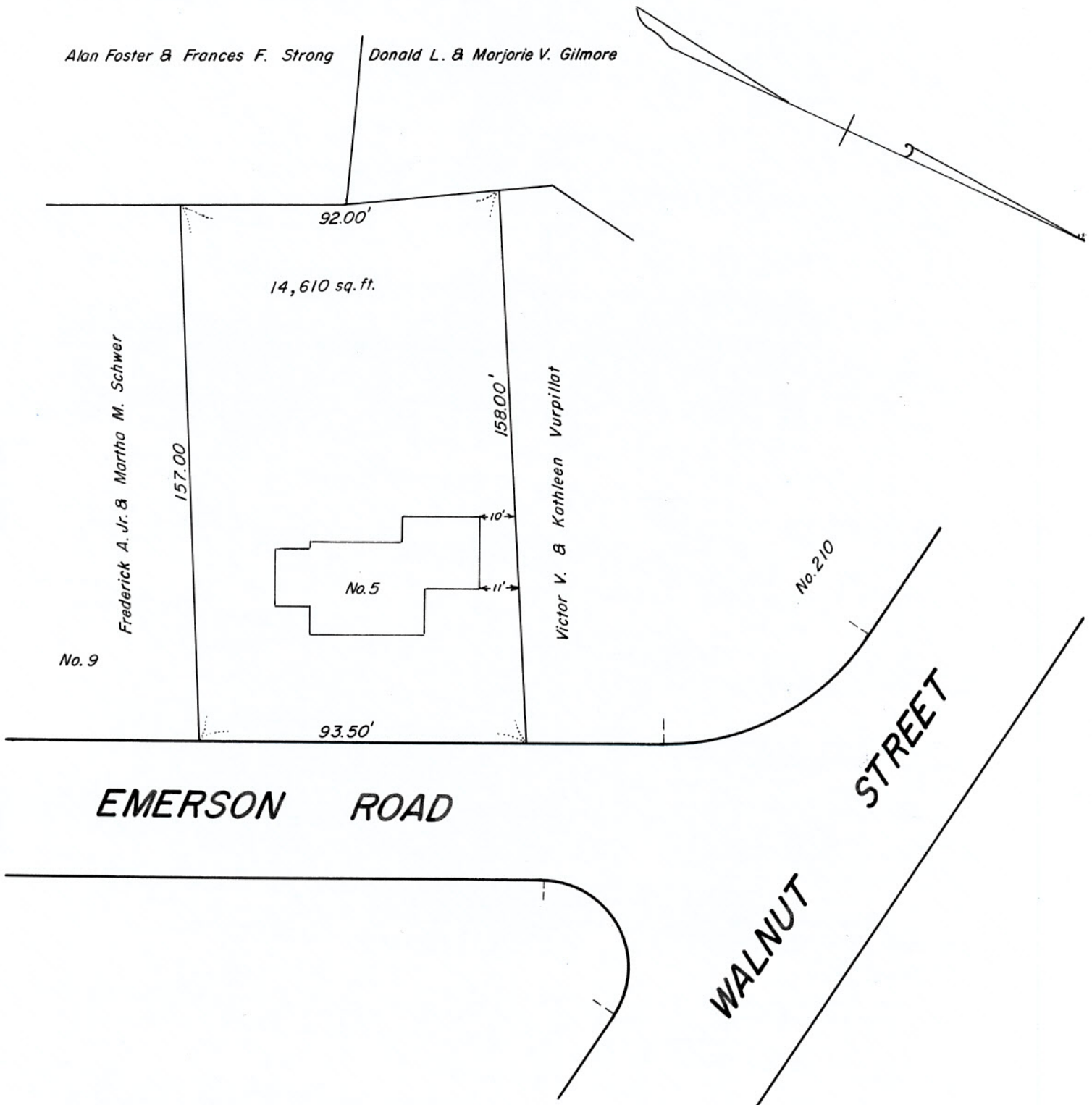

F. Lester Fraser

Filed with Town Clerk _____

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Alan Foster & Frances F. Strong

Donald L. & Marjorie V. Gilmore



PLAN OF LAND
IN

WELLESLEY, MASS.

OWNED BY

JORDAN B. & SHEILA GREENFIELD

Scale 40 feet to an inch

January 7, 1970

Gleason Engineering Company